

U.S. Patent Application Serial No. 10/551,356  
Amendment filed May 12, 2010  
Reply to OA dated February 25, 2010

### **REMARKS**

Claims 1-3 have been canceled without prejudice to its underlying subject matter. Claims 4 and 5 have been amended. The applicants hereby request a rejoinder of claims 5 and 8 for reasons stated below. Thus, claims 4, 5, 7 and 8 are currently under consideration in view of the above amendments. The applicants respectfully submit that no new matter has been introduced by these amendments.

### **Election of Species**

Claims 5, 6 and 8 stand withdrawn from consideration subsequent to the election made on December 17, 2009. On December 17, 2009, the applicants elected to prosecute Group(I) drawn to the product claims (claims 1-5, 7 and 8). Further, among the embodiments of Group(I), the applicants elected to prosecute Species II, directed to the embodiment depicted in Fig. 2 of this application.

The applicants respectfully note that the distinguishing feature between Species I (Fig. 1) and Species II (Fig. 2) is the fact that the discharge nozzle includes a curved surface shaped inner wall in Species II (Fig. 2) while the inner wall surface is flat in Species I (Fig. 1).

Accordingly, the applicants believe that claims 1-3, 5, 7 and 8, which do not recite the shape of the inner wall of the discharge nozzle, are generic to Species I and II. Further, claim 4 reads on

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Species II because claim 4 recites that the inner wall of the discharge nozzle is curved as depicted in Fig. 1.

Thus, the applicants conclude that claims 1-5, 7 and 8 read on Group I, Species II, and respectfully request the Examiner for the rejoinder of claims 5 and 8. The applicants respectfully note that, upon the allowance of one of the generic claims, the applicants may be entitled to the rejoinder of claims directed to Species I (Fig. 1). In the event that the Examiner disagrees with the rejoinder, the applicants respectfully request the Examiner to explain the distinguishing feature between Species I and Species II as set out in the Restriction/Election Requirement dated November 23, 2009.

### **Rejections of Claims 1-3**

Claims 1 and 3 stand rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al (US 5,289,975). Further, claim 2 stands rejected under 35 U.S.C. 103(a) as obvious over Miller in view of Seichi (JP 2001-293551).

To facilitate the prosecution of this application, claims 1-3 were canceled without prejudice to their underlying subject matter. Accordingly, the above rejections are now moot.

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**Obviousness Rejection of Claims 4 and 7**

Claims 4 and 7 stand rejected under 35 U.S.C. 103(a) as obvious over Miller in view of Yamada (US 2003/0051851) and Seiichi (JP 2001-293551).

The applicants hereby request the rejoinder of claims 5 and 8, and amend claims 4 and 5 to recite “A metal jet apparatus for jetting dot-like molten metal,” in which “said molten metal jetted from said discharge port is dot-like molten metal.” Claims 7 and 8, respectively, depend from claims 4 and 5. Support for the amendments to claims 4 and 5 can be found on page 9, lines 1 and 2, and on page 10, lines 16 and 17, of the specification.

Miller relates to a nozzle for “atomizing molten metal” that produces metal powder. Thus, Miller does not disclose or suggest the recited metal jet apparatus for jetting dot-like molten metal. Seiichi and Yamada also fail to disclose or suggest the recited invention. Accordingly, this obviousness rejection should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 4, 5, 7 and 8, as amended, are in condition for allowance, which action, at an early date, is respectfully requested.

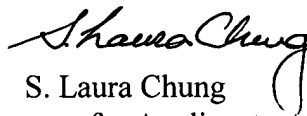
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If, for any reason, it is felt that the prosecution of this application may be expedited by a telephone conference, the Examiner is invited to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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